

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

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An Individual Described Herein by the Pseudonym

"MARGARET DOE,"

Plaintiff,

SUMMONS

-against-

Index No.:

BLOOMBERG L.P., MICHAEL BLOOMBERG,
and NICHOLAS FERRIS,

Defendants.

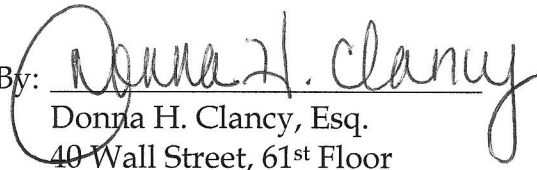
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To the above named Defendants:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance, on the Plaintiffs' attorneys within 20 days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in cause of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: New York, New York
December 7, 2016

THE CLANCY LAW FIRM, P.C.
Attorneys for Plaintiff Margaret Doe

By: 
Donna H. Clancy, Esq.
40 Wall Street, 61st Floor
New York, New York 10005
(212) 747-1744

TO: BLOOMBERG L.P.
731 Lexington Avenue
New York, New York

MICHAEL BLOOMBERG
17 E 79th Street
New York, New York

NICHOLAS FERRIS
3085 Old Kings Road
Catskill, New York

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

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"MARGARET DOE,"

Plaintiff,

Index No.:

-against-

BLOOMBERG L.P., MICHAEL BLOOMBERG,
and NICHOLAS FERRIS,

VERIFIED COMPLAINT

Defendants.
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Plaintiff "MARGARET DOE", an individual described herein by Pseudonym, by her attorneys, THE CLANCY LAW FIRM, P.C., complaining against Defendants BLOOMBERG L.P., MICHAEL BLOOMBERG, NICHOLAS FERRIS upon information and belief, and at all times relevant, alleges as follows:

NATURE OF THE ACTION

1. This is an action for injunctive relief, declaratory judgment and money damages to remedy discrimination on the basis of sex in the terms, conditions and privileges of employment under New York City Human Rights Law as contained in the Administrative Code of the City of New York, § 8-107 *et seq.* ("NYCHRL"); and the New York Human Rights Law as contained in New York State Executive Law, § 296 *et seq.* ("NYHRL").

2. This action is brought to vindicate the human and civil rights of Plaintiff MARGARET DOE. Plaintiff contends that the terms, conditions and privileges of her employment relationship with Defendants BLOOMBERG L.P., MICHAEL BLOOMBERG, NICHOLAS FERRIS, (collectively, "DEFENDANTS"), were adversely affected because of her sex in a hostile work environment created by her employer, BLOOMBERG L.P. Plaintiff further contends that she was subjected to sexual assault, rape, molestation, unwanted sexual advances, contact, communications, innuendoes, retaliatory action, and *quid pro quo* harassment because of her sex in violation of various federal, state and city statutes.

JURISDICTION AND VENUE

3. A substantial part of the acts giving rise to this action were committed within the State and City of New York, and venue is properly lodged in this Court.

PROCEDURAL REQUIREMENTS

4. Plaintiff served a copy of the Complaint upon the New York City Commission of Human Rights and the Corporation Counsel of the City of New York in accordance with New York City Administrative Code § 8-502(c).

PARTIES

5. Plaintiff "MARGARET DOE" ("PLAINTIFF") is the pseudonym for a 26 year old female who currently resides in the County of Bronx, State of New York.

6. PLAINTIFF filed this complaint under a pseudonym because of the severe and complex nature of her injuries, the extreme emotional distress she suffered, her

6. PLAINTIFF filed this complaint under a pseudonym because of the severe and complex nature of her injuries, the extreme emotional distress she suffered, her current fragile emotional and physical state, her ongoing need for psychotherapy and other medical treatment, and the risk of retaliatory physical or mental harm to both PLAINTIFF and, to innocent non-parties, who are referred to herein by their initials. These factors are sufficient to establish that a substantial privacy interest is involved, thereby warranting anonymity on the part of the PLAINTIFF.

7. In September 2012, PLAINTIFF, a 22 year old recent college graduate, began working for BLOOMBERG L.P. in the company's marketing department selling subscriptions to the Bloomberg Brief Newsletter. This was PLAINTIFF's first professional job.

8. During the course of her employment, PLAINTIFF performed her duties in a "distinguished" manner, a level above BLOOMBERG LP's "satisfactory" performance scale.

9. After three years of working for BLOOMBERG L.P., a company with a top-down culture that is blatantly hostile towards women, and for a direct supervisor who persistently tormented her both physically and psychologically, PLAINTIFF was rendered disabled and deemed eligible for short-term disability benefits. As a result, on or about October 24, 2015, PLAINTIFF was placed on an indefinite medical leave from BLOOMBERG L.P.

10. After PLAINTIFF's disability continued for more than six months. Her short-term disability benefits were exhausted, and she was deemed eligible for long-term disability benefits. PLAINTIFF currently remains totally disabled from working in any occupation.

11. Defendant BLOOMBERG L.P. ("BLOOMBERG") is a foreign limited partnership existing under and by virtue of the laws of the State of Delaware.

12. BLOOMBERG has its primary place of business located at 731 Lexington Avenue, City of New York, County of New York, State of New York.

13. BLOOMBERG is an employer within the meaning of New York City Administrative Code §§ 8-102(5) and 8-107.

14. BLOOMBERG is an employer within the meaning of New York State Executive Law § 296.

15. At all relevant times, Defendant MICHAEL BLOOMBERG ("MR. BLOOMBERG") was the Co-Founder, Chief Executive Officer and President of BLOOMBERG.

16. Based on information and belief, MR. BLOOMBERG currently resides at 17 East 79th Street, City of New York, County of New York, State of New York.

17. MR. BLOOMBERG is a person within the meaning of the NYC Administrative Code Law § 8-102(1), and an employer within the meaning of NYC Administrative Code §§ 8-102(5) and 8-107, and is being sued here both in his personal and official capacities.

18. Defendant NICHOLAS FERRIS ("FERRIS") was employed by BLOOMBERG from in or about March 2011 until in or about December 2015.

19. During the course of his BLOOMBERG employment, FERRIS was promoted to Global Business Director of the Bloomberg Brief Newsletter Division from about in or about March 2013 until about December 2015.

20. Based on information and belief, FERRIS currently resides at 3085 Old Kings Road, Village of Catskill, County of Greene, State of New York.

21. At all relevant times, FERRIS supervised PLAINTIFF during the course of her employment with BLOOMBERG.

22. At all relevant times, FERRIS was authorized to make decisions that affected the terms and conditions of Plaintiff's employment with BLOOMBERG.

23. FERRIS is a person within the meaning of the NYC Administrative Code Law § 8-102(1), and an employer within the meaning of NYC Administrative Code §§ 8-102(5) and 8-107, and is being sued here both in his personal and official capacities.

24. At all relevant times, DEFENDANTS acted under color of the statutes, ordinances, regulations, customs and usages of the State of New York, and under the authority of their respective positions or offices.

25. At all relevant times, the discriminatory conduct complained of herein was directed towards PLAINTIFF and other female BLOOMBERG employees similarly situated with PLAINTIFF.

STATEMENT OF FACTS

The Bloomberg "Playground": An Openly Hostile Environment Toward Women

26. PLAINTIFF discovered shortly after commencing employment that there was an uninhibited professional and social environment at BLOOMBERG.

27. BLOOMBERG employees were afforded the use of the Instant Bloomberg ("IB") system (an internal, instant messaging system for BLOOMBERG employees, complete with photo identification).

28. BLOOMBERG employees used the IB system as a pseudo-dating site.

29. BLOOMBERG female employees were encouraged by male management to dress provocatively, for example - short skirts and four inch heels.

30. BLOOMBERG male employees regularly commented on female employees' appearances using a rating system - the "hotter" the girl, the higher her ranking.

31. BLOOMBERG employees were given full access to their coworkers' contact information, pedigree and photo through IB, and could easily identify the coworkers they were interested in contacting by their badges and/or IB address.

32. MR. BLOOMBERG, BLOOMBERG's Founder, CEO, and President, and the former three-term Mayor of New York, encouraged this type of sexist and sexually-charged behavior.

33. On various occasions, MR. BLOOMBERG has boasted that his company was known as the one which generated the most marriages between its employees.

34. In a 2015 New York Magazine article, the author, Michael Wolff described the environment MR. BLOOMBERG has created at his company as "a truly weird one. This isn't Clintonesque lunging on Bloomberg's part, but rather, what is alleged here is a broader, more juvenile kind of control. Bloomberg's company is a playground, or clubhouse, or frat house, with Bloomberg himself as the strangely removed but obviously volatile bully or grand master or BMOC. That Bloomberg is the boss may be much more the point than the sex - insults, and the power to get away with insults, are more important than gratification."¹

¹ Wolff, Michael, *Full Bloom*. New York Magazine (2015).
<http://nymag.com/nymetro/news/media/columns/medialife/5349/>

35. In a 2013 New York Magazine cover story, City Council Speaker Christine Quinn was interviewed regarding MR. BLOOMBERG's misogynistic tendencies. Ms. Quinn described how MR. BLOOMBERG once gestured at a woman at a holiday party and said, "Look at the ass on her."²

36. The 2013 New York Magazine cover story, reported that Ms. Quinn stated that MR. BLOOMBERG hated her in flat boots and specifically relayed his preference for her in high heels. Ms. Quinn explained that MR. BLOOMBERG has "no use for flat shoes."³ In fact, MR. BLOOMBERG admitted, "If I were a woman, I would wear high heels."⁴

37. In the New York Magazine cover story, MR. BLOOMBERG criticized Ms. Quinn's physical appearance, asking her, "Do you pay a lot to make your hair be two colors? Because now it's *three* with the gray."⁵

38. BLOOMBERG'S notoriously sexist and hostile work environment has been well documented and has been the subject of myriad law suits prior to this lawsuit.

² Van Meter, Jonathan, *Madam Would-Be Mayor*. New York Magazine (2013).
<http://nymag.com/news/features/christine-quinn-2013-2/>

³ *Id.*

⁴ Horowitz Satlin, Alana, *Michael Bloomberg: 'If I Were a Woman, I would Wear High Heels.'* The Huffington Post (2013).
http://www.huffingtonpost.com/2013/10/17/michael-bloomberg-high-heels_n_4117280.html

⁵ Van Meter, *Madam Would-be Mayor*. New York Magazine (2013).

39. Before becoming Mayor, MR. BLOOMBERG was sued by a class of female employees led by a female sales executive who accused him of sexual harassment and creating a hostile work environment for female employees while he was the Chief Executive of BLOOMBERG.⁶

40. The U.S. Equal Employment Opportunity Commission (EEOC) filed a sexual harassment lawsuit on behalf of 58 women claiming that MR. BLOOMBERG and other male managers at the company made “repeated and unwelcome” sexual comments, overtures and gestures, which contributed to an offensive, locker-room culture.⁷

41. The sexual harassment lawsuit alleged that MR. BLOOMBERG displayed a discriminatory attitude toward pregnant women and new mothers and that this culture was fostered at the company.⁸

42. The sexual harassment lawsuit accused MR. BLOOMBERG of engaging in a pattern of demoting women, diminishing their duties and excluding them from other job opportunities after they disclosed they were pregnant and/or for discriminatory reasons based upon their sex⁹.

⁶ The Associated Press, *58 Women Now Suing Bloomberg LP for Sex Discrimination*. Daily News (2008). <http://www.nydailynews.com/news/58-women-suing-bloomberg-p-sex-discrimination-article-1.331323>

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

43. The EEOC complaint alleged that "[t]his systemic top-down discrimination against female employees is fostered, condoned and perpetrated by the highest levels of management within Bloomberg and by ownership of Bloomberg, to wit Michael Bloomberg...."¹⁰

44. In 2013, Cord Jefferson authored an article entitled, "'I'd Do Her': A Brief History of Michael Bloomberg's Public Sexism."¹¹ Jefferson documented that "[i]n 1996 and 1997, four women filed sexual harassment suits against Bloomberg, LP. One of them, a sales executive named Sekiko Garrison, alleged that Michael Bloomberg told her to 'Kill it!' when she shared with him that she was pregnant. Asked by Ms. Garrison to repeat himself, Bloomberg said again, 'Kill it!' Garrison said that Bloomberg went on to lament that she was going to be the sixteenth woman in the company to be taking maternity leave."¹²

45. In Jefferson's article, MR. BLOOMBERG allegedly commented to Ms. Garrison before she became pregnant, gesturing to her engagement ring, "What, is this guy dumb and blind? What the hell is he marrying you for?"¹³ And, a week later, "still engaged? What, is he that good in bed, or did your father pay him off to get rid of you?"¹⁴

¹⁰ Kugler, Sara, *Suit: Bloomberg Condoned Discrimination*. USA Today (2007).

http://usatoday30.usatoday.com/money/economy/2007-10-03-2247216259_x.htm

¹¹ Jefferson, Cord, *'I'd Do Her': A Brief History of Michael Bloomberg's Public Sexism*. Gawker (2013).

<http://gawker.com/5979679/id-do-her-a-brief-history-of-michael-bloombergs-public-sexism>

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

46. In his deposition, under oath, MR. BLOOMBERG admitted saying, "I'd do her" in relation to Garrison, but claimed "do" meant to have a personal relationship with someone.¹⁵

47. Another lawsuit filed against BLOOMBERG by a former employee, Mary Ann Olszewski claimed that "male employees from Mr. Bloomberg on down" routinely demoralized women at BLOOMBERG. Ms. Olszewski further alleged that the sexual harassment culminated in her being raped in a Chicago hotel room by her direct superior, a top BLOOMBERG executive.¹⁶

48. In connection with Ms. Olszewski's lawsuit, MR. BLOOMBERG testified at his deposition under oath that he would not call the rape allegation genuine unless there was an "unimpeachable third party witness."¹⁷

49. When questioned further as to how there would be a third party witness to a rape, MR. BLOOMBERG replied under oath "that there are times when three people are together."¹⁸

50. Bloomberg's sexism dates back for longer than a decade. In 2001, BLOOMBERG employees wrote a book titled *Portable Bloomberg: The Wit and Wisdom of Michael Bloomberg* that was given to MR. BLOOMBERG as a gift. The book allegedly contains "Bloombergisms", direct quotes of MR. BLOOMBERG.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

51. New York Magazine author, Michael Wolff reported that the book "represents...an institutional acceptance of the arrogance, cruelty, carelessness and rulelessness of the CEO."¹⁹

52. Author Cord Jefferson also commented about the contents of the BLOOMBERG book: "[a]lso, sexism. A lot of sexism."²⁰

53. Examples of "Bloombergisms" include the following remarks: *"The three biggest lies are: 'the check's in the mail', 'I'll respect you in the morning' and 'I'm glad I'm Jewish'; 'If women wanted to be appreciated for their brains, they'd go to the library instead of Bloomingdale's'; and 'I know for a fact that any self-respecting woman who walks past a construction site and doesn't get a whistle will turn around and walk past again and again until she does get one.'*"²¹

54. Describing one of his well-known business information systems to his female employees, MR. BLOOMBERG touted, "[i]t will do everything, including give you a blow job. I guess that puts a lot of you girls out of business."²²

55. MR. BLOOMBERG has also been quoted in the past saying, "What do I want? I want a B.J. from Jane Fonda. Have you seen Jane Fonda lately? Not bad for fifty."²³

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² Kolbert, Elizabeth, *The Prophet of Love*. Bloomsbury Publishing USA (2004).

²³ Vdare.com, *Mayor Michael Bloomberg: Rude, Crude and Dangerous to the Country*. (2006).

<http://www.vdare.com/articles/mayor-michael-bloomberg-rude-crude-and-dangerous-to-the-country>.

56. The majority of BLOOMBERG's female employees is in sales, administrative and/or support roles.

57. Following the example and leadership of MR. BLOOMBERG, BLOOMBERG's dominant male culture allows sex to permeate the company's work environment on a daily basis.

58. BLOOMBERG's hostile work environment bred a reckless playground for male supervisors to target young, naïve female employees aspiring to have a career at BLOOMBERG for sex.

59. BLOOMBERG employees, both male and female, are not afforded the proper sexual harassment training, monitoring, policing and/or discipline for failure to comply with employment policies to protect employees against sexual harassment.

60. BLOOMBERG employees are not afforded a sufficient and/or effective means of complaining and/or reporting sexual harassment.

61. BLOOMBERG'S Human Resources department does not properly investigate, remediate and/or take appropriate action against male employees charged by female employees of sexual harassment.

62. PLAINTIFF became another victim of a male BLOOMBERG supervisor who boldly violated her human rights for nearly three years without fear of reprisal.

63. The disturbing time line of events detailing NICHOLAS FERRIS' conduct and the utter indifference of BLOOMBERG management and its Employee Assistance Program ("EAP") is more fully described herein.

**Plaintiff's Introduction to Bloomberg's
Hostile Work Environment Based on Sex**

64. From March 2011 to in or about December 2015, FERRIS, was employed by BLOOMBERG. Initially, FERRIS was Head of the Bloomberg Brief Newsletters and Senior Marketer.

65. In September 2012, FERRIS interviewed PLAINTIFF for a sales position at BLOOMBERG.

66. During PLAINTIFF's interview, FERRIS made his first inappropriate comment to PLAINTIFF. FERRIS' comment foreshadowed his future inappropriate behavior, as FERRIS explained to PLAINTIFF the job for which she was interviewing.

67. During PLAINTIFF's interview, FERRIS described to PLAINTIFF how he would lure prospective BLOOMBERG customers into subscribing for the BLOOMBERG newsletter by offering them free newsletters to create a "crack addiction." Paraphrased, FERRIS' goal was to hook customers on a trial subscription so they could not live without the newsletter and had to subscribe.

68. As PLAINTIFF's interview concluded, FERRIS asked PLAINTIFF what set her apart from the other candidates. PLAINTIFF replied to the effect that she was "more determined to make this work than anyone else." PLAINTIFF was hired within 24 hours by FERRIS.

69. In September 2012, PLAINTIFF arrived at BLOOMBERG's 731 Lexington Avenue office to her first day of work wearing a pants suit. After noticing what other female employees wore, PLAINTIFF felt boyish and underdressed.

70. PLAINTIFF was made to wait for FERRIS on the sixth floor of the BLOOMBERG building, the hub of the BLOOMBERG's offices, known internally as "the Link."

71. "The Link" is a centralized meeting hub where all BLOOMBERG employees must pass through before accessing the elevators that access the floors on which they work, encouraging interaction amongst employees.

72. "The Link" can be described as glamorous and architecturally stunning; with priceless art decorating the walls, huge tropical fish tanks and racks of coffee and food. There are several podiums lining the perimeter of "the Link" at which employees congregate, while the center of the room serves as a hallway to access any of the building's lower floors and offices.

73. BLOOMBERG's layout creates a phenomenon wherein everyone who is arriving to work in the morning or leaving a meeting on floors 7-29 to travel to the lower offices must walk a semi-circle that is well lit by floor-to-ceiling windows and lighting fixtures.

74. BLOOMBERG television and sales personnel worked on floors 3-6, with programmers and other back office workers situated on the less visible higher floors. Noticeably attractive female BLOOMBERG personnel are placed to be seen on the floors with heavy exposure and foot traffic.

75. BLOOMBERG employees who worked on floors 3-6 must walk "the Link" to access/return from other floors, to enter or leave the building.

76. PLAINTIFF was informed by a BLOOMBERG employee that male BLOOMBERG employees would frequently go to "the Link" to gawk at the female employees and rate them on a scale from 1 to 10.

77. During her first week of work, several male BLOOMBERG employees remarked about PLAINTIFF's appearance: "Hey, you're much more attractive than the guy who used to sit here!" and laughed at their own comment.

78. A few weeks into PLAINTIFF's employment, FERRIS invited PLAINTIFF to a "Welcome Lunch" that he had scheduled for her on the BLOOMBERG IB system. The day of the lunch, FERRIS came to pick PLAINTIFF up at her desk, asking if she was "ready to go." PLAINTIFF was confused and asked FERRIS if they were leaving the building, as she expected they would be having lunch in the conference room with their co-workers. FERRIS laughed and explained that managers get to have lunch with new employees "on BLOOMBERG," and that he was taking her to Vetro, a nearby restaurant frequented by BLOOMBERG employees.

79. During the lunch, FERRIS spoke about himself personally – how he was a writer and formerly in a band. FERRIS ordered expensive champagne. PLAINTIFF was uncomfortable and questioned whether they were allowed to drink during lunch. FERRIS again responded with laughter, poking fun at her naiveté. PLAINTIFF looked around the dining room and saw BLOOMBERG employees drinking cocktails during lunch.

80. For the first few months, PLAINTIFF worked closely and developed a bond with another female BLOOMBERG employee, S.Y.²⁴, who had worked on the Brief Team for several years. S.Y. observed FERRIS' inappropriate behavior in the workplace on numerous occasions and commented to PLAINTIFF that FERRIS had previously made an inappropriate comment toward her by asking whether she wanted to get a massage with him.

²⁴ S.Y. is identified herein only by her initials to protect her identity, privacy and from any form of retaliation.

81. Thereafter, structural changes within BLOOMBERG resulted in S.Y. changing departments. At that time, PLAINTIFF was the only sales person under FERRIS on the Bloomberg Brief Newsletter sales team.

82. PLAINTIFF was subsequently assigned to work on the 25th floor under FERRIS' direct supervision, at a desk in close proximity to his. PLAINTIFF's duties included cold calling and selling the BLOOMBERG newsletters.

83. The more success PLAINTIFF had cold calling and selling the newsletters, the more FERRIS outwardly intensified his focus on her. FERRIS frequently requested PLAINTIFF to join him for work lunches via IB, during which he invariably ordered alcohol and bragged about himself.

84. PLAINTIFF felt compelled to attend the lunches as part of her job, but found them awkward, stressful and inappropriate.

85. For the first year of PLAINTIFF's employment, she was not considered a "permanent" employee. Her work badge was orange indicating that she was considered "temporary".

86. From the outset of PLAINTIFF's employment, FERRIS made it very clear to PLAINTIFF that he held the decision making authority to hire her as a permanent employee.

87. Once PLAINTIFF became a permanent employee, she would receive a much coveted "orange badge."

88. Joe Mysak, a BLOOMBERG editor and long time friend of PLAINTIFF's father, originally referred her for the position. To express gratitude for what she believed was an amazing career opportunity, PLAINTIFF kept her focus on performing her job well. Mr. Mysak emailed PLAINTIFF's father to report that he was impressed with PLAINTIFF's performance.

89. During PLAINTIFF's initial period of employment, FERRIS forwarded PLAINTIFF emails from his own boss, Ted Merz, Executive Editor and Team Leader lauding her work.

90. Within weeks of being hired, Mr. Merz messaged PLAINTIFF to invite her to his home for drinks on a Saturday evening at 8 pm. Although it was not a BLOOMBERG work-related party, Mr. Merz advised PLAINTIFF that some BLOOMBERG employees, including and in particular FERRIS, would be in attendance.

91. Thereafter, on December 12, 2012, PLAINTIFF was again invited to Mr. Merz's home, this time to attend a Christmas party for BLOOMBERG employees. An exorbitant amount of alcohol was served to the BLOOMBERG employee guests. BLOOMBERG editor Joe Brusuelas became extremely intoxicated by night's end.

92. In full display of Mr. Merz, FERRIS and other colleagues, Joe Brusuelas continuously followed PLAINTIFF around the party saying, "I'm a Senior Economist at BLOOMBERG, I have an expense account. I'll take you anywhere you want, you want to go to Le Cirque?" He made lewd comments to

PLAINTIFF about her appearance and propositioned her to leave with him in his “private car.” PLAINTIFF asked FERRIS, her direct supervisor, for help in handling the situation.

93. FERRIS and his girlfriend at the time, N.M.²⁵, arranged for PLAINTIFF to leave the party, allowing her to escape Mr. Brusuelas’ harassment.

94. Neither Mr. Merz, FERRIS, nor anyone else reported, or counseled PLAINTIFF on reporting, Mr. Brusuelas’ lewd and inappropriate behavior.

Ferris’ Sexually Inappropriate Behavior Toward Plaintiff

95. In or about late January 2013, FERRIS invited PLAINTIFF via IB to BLOOMBERG’s radio sound booth to observe Editor Rich Yamarone interviewing Economist Tom Keene. FERRIS did not explain why he asked PLAINTIFF to attend something outside the scope of her normal duties, or explain what she could contribute professionally.

96. The BLOOMBERG space consisted of one booth for the on-air personnel connected to another soundproof booth. FERRIS directed PLAINTIFF to sit next to him in the soundproof booth while Mr. Yamarone and Mr. Keene recorded their podcast.

97. While sitting in the booth, FERRIS began joking around, acting more casual than usual. FERRIS reached out his hand and rubbed the top of PLAINTIFF’s thigh. PLAINTIFF immediately felt violated.

²⁵ N.M. is identified herein by her initials to protect her identity, her right to privacy and her right to be free from retaliation.

98. From that moment on, PLAINTIFF sensed her employment relationship had shifted beyond inappropriate at times to now sexual. FERRIS had now openly expressed his sexual interest in her, causing PLAINTIFF extreme anxiety.

99. On February 21, 2013, FERRIS sent PLAINTIFF an email with an attached photograph that he took of her in the radio booth right before he assaulted her by rubbing her thigh.

100. As PLAINTIFF's boss, FERRIS reiterated to Plaintiff he controlled her future career at Bloomberg.

101. At age 23 and the start of her career, PLAINTIFF was concerned that if she rejected FERRIS' advances he would retaliate against her.

102. While employed at BLOOMBERG, PLAINTIFF was not afforded any meaningful sexual harassment and/or retaliation training.

103. Compounding PLAINTIFF's anxiety was the fact that, after FERRIS bragged about being a writer, PLAINTIFF conducted an internet search and discovered he had indeed published a book in the United Kingdom.

104. FERRIS' book entitled *Revenge: 101 Things To Do When You've Been Dumped* details sordid ways for people to get back at those who reject them romantically.²⁶

²⁶ Ferris, Nicholas, *Revenge 101 Things To Do When You've Been Dumped*. Chichester, UK (2001). ISBN-10: 1840241926

105. In his book, FERRIS suggested, "Get your partner into a drunken stupor and cut their hair off...Which body part you shave depends on the severity of your feelings. Suicidal? Cut off all body hair. Depressed? Shave the groin and legs. Damaged ego? Eyebrows."²⁷

106. Another of FERRIS' suggestions in his book about Revenge included, "While your ex is on holiday, turn them into a star...rig their house up with Big Brother-style webcams and broadcast their habits to the world on their return. But don't tell them!"²⁸

107. Another of FERRIS' suggestions, if assault and criminal invasion of privacy are not your things, "Put your ex's picture online...see www.urdumped.co.uk - full of great dumping and revenge stories."²⁹

108. Following the recording studio incident, and in light of FERRIS' status as a self-proclaimed, international authority on retaliating against unrequited romantic interests, PLAINTIFF realized the tenuousness of her job security and felt helpless.

109. Following the recording studio incident, PLAINTIFF told her parents about FERRIS and his inappropriate touching in BLOOMBERG's studio.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Presumably there are 98 more suggestions. The book is available for purchase on Amazon.com and eBay.com.

110. PLAINTIFF anguished over how much it meant to her parents for her to keep the job with BLOOMBERG. PLAINTIFF's father lost two jobs in the previous three years and her parents were extremely concerned about their daughter's employment situation. PLAINTIFF's parents advised her to avoid lunches with FERRIS entirely and, if that was not possible, she should abstain from drinking alcohol at those lunches. PLAINTIFF's parents tried to assure her things would gradually return to normal and advised her not to register a complaint, fearing she would lose her job.

111. PLAINTIFF's father expressed concern about the reputation of his friend, Mr. Mysak, who recommended PLAINTIFF for the position.

112. PLAINTIFF felt a huge amount of pressure to remain quiet to keep her job. Although PLAINTIFF was stressed and uncomfortable around FERRIS, PLAINTIFF tried not to show it in her daily in-person and written interactions with him.

113. During PLAINTIFF's employment, FERRIS relentlessly pursued PLAINTIFF for lunches, or for a "quick drink," both during and after work. PLAINTIFF attempted to make excuses to avoid him outside of work. But PLAINTIFF's daily level of involvement with FERRIS made that extremely difficult, causing PLAINTIFF to feel trapped and acquiesce.

114. In FERRIS' dogged pursuit of PLAINTIFF, he manufactured situations to make her dependent on him, both personally and professionally. After learning that PLAINTIFF was experiencing tension with her parents while still living with them in Connecticut, FERRIS switched from his romantic approach to a more fatherly one. He offered her unsolicited advice and told her he thought of her as a daughter and/or a friend.

115. FERRIS' change in tact eventually wore her down, and PLAINTIFF agreed to resume going to lunches with him. PLAINTIFF assimilated into the BLOOMBERG culture and relented to FERRIS' myriad offers to accompany him to lunch and dinner.

116. PLAINTIFF tried to handle her daily work interaction with FERRIS on a platonic level. FERRIS' constant engaging of her and unprofessional conduct made her feel compelled to engage in continuous dialogue with him throughout the work day on the BLOOMBERG IB system.

The Rape

117. In or about late February 2013, FERRIS insisted that PLAINTIFF accompany him to David Burke's restaurant for a "working dinner."

118. That evening in late February 2013, FERRIS ordered several drinks. PLAINTIFF had not eaten that day and quickly became inebriated at the restaurant's bar.

119. Once PLAINTIFF was plied with alcohol, FERRIS coaxed PLAINTIFF into taking pain pills. PLAINTIFF had not taken pain pills before and had little understanding of how alcohol and pills acting together could affect her mind and body.

120. Once visibly intoxicated, FERRIS offered PLAINTIFF his guestroom at his nearby Manhattan apartment to stay the night to avoid her having to travel home to Connecticut. FERRIS assured her his live-in girlfriend, N.M., would be home and that N.M. would be fine with PLAINTIFF staying over under the circumstances.

121. In PLAINTIFF's vulnerable state, FERRIS manipulated PLAINTIFF into believing this was the safer decision than returning by train to Connecticut.

122. That evening, PLAINTIFF recalls being in FERRIS' living room with him and his girlfriend, N.M. and FERRIS pouring them all vodka and smoking marijuana.

123. PLAINTIFF recalls feeling intoxicated and retired to the guest room to sleep. PLAINTIFF fell unconscious shortly after.

124. While lying down in the guest room, PLAINTIFF awoke to find FERRIS standing over her. PLAINTIFF was disoriented and at first, did not know where she was or how she got there. PLAINTIFF was lying half-off the side of the bed with FERRIS holding her legs up towards him. PLAINTIFF recalls looking down and seeing the dress she wore to work that day flipped up, only half covering her, and her underwear and tights removed.

125. While PLAINTIFF was incapacitated, FERRIS proceeded to have non-consensual sexual intercourse with PLAINTIFF.

126. Still in a drunken stupor, PLAINTIFF fell unconscious again and awoke in FERRIS' guestroom the next morning. PLAINTIFF laid in a fetal position as she tried to piece together the previous night's events. PLAINTIFF recoiled in horror as the flashbacks and images poured in of FERRIS' assault upon her. FERRIS' girlfriend, N.M., eventually entered the guest room to give her a sweater to wear to work, and acted as if she had no idea what FERRIS had done to PLAINTIFF the night before.

127. On that evening in late February 2013, FERRIS drugged and raped PLAINTIFF.

128. As a result of her boss's assault, PLAINTIFF felt the aftermath of victimization: panic, shock, fear, disgust, shame, anger, confusion, embarrassment, powerlessness, intimidation, despair, complicity, guilt and denial.³⁰

129. PLAINTIFF's fear, shame and hopelessness that she would not be protected or vindicated caused her to believe she had no choice but to go through the motions and act like the rape never happened. Forced to share a cab to BLOOMBERG's offices with FERRIS, she barely spoke. The shock and anxiety she experienced was agonizing. PLAINTIFF felt physically and emotionally ill and asked to leave work early

³⁰ MacKinnon, Catherine A., *Sexual Harassment of Working Women*. Yale University Press (1979). "Such shock, fear, are symptoms associated with the aftermath of such victimization ... This is not the sort of experience one discusses readily."

that day.

130. PLAINTIFF felt she could never tell her parents what FERRIS had done to her. In PLAINTIFF's mind, disclosing this tragedy would disgrace them and their close family friend, Joe Mysiack who helped her get the job at BLOOMBERG. Reporting FERRIS to the police or BLOOMBERG was not a viable option for PLAINTIFF under the circumstances. PLAINTIFF feared, among other things, that if the rape became public, it would devastate those she cared about most.

131. Instead, PLAINTIFF suffered silently through potentially insurmountable emotional and physical pain.

132. To suppress her memory and horror of the rape, PLAINTIFF convinced herself that it was her fault. At work, PLAINTIFF attempted to avoid interaction with FERRIS to the extent possible and/or appear unshaken so that FERRIS would not worry that she intended to report his behavior and retaliate against her.

133. Shortly after the rape, FERRIS made an appointment with PLAINTIFF through the IB system to meet in a BLOOMBERG conference room on the sixth floor at a designated time. PLAINTIFF was extremely nervous, as the meeting was only to include the two of them.

134. On the day FERRIS summoned her to a meeting, PLAINTIFF felt uncomfortable from the moment she walked into the BLOOMBERG conference room. In a display of power, FERRIS seated himself at the head of a large conference room table and directed PLAINTIFF to sit at the far end.

135. Shockingly, FERRIS announced to PLAINTIFF that, because FERRIS "had sex" with PLAINTIFF without a condom, he offered to have sex with PLAINTIFF without a condom in the future. In exchange, FERRIS requested that PLAINTIFF use a condom with any boyfriend she had because he was having unprotected sex with N.M.

136. Horrified, PLAINTIFF left the room as quickly as possible.

137. Shortly after the rape, PLAINTIFF confided in BLOOMBERG employee S.Y. that FERRIS had raped her. While they were at work, PLAINTIFF asked S.Y. for advice on what she should do about FERRIS.

138. S.Y. responded: "Not sure, I guess you could go to HR..." However, S.Y. confided to PLAINTIFF that she also suffered sexual harassment at BLOOMBERG and did not complain.

139. During the course of her employment, FERRIS bragged to PLAINTIFF about helping several young women get hired at BLOOMBERG, one of which is still currently employed and is a well known editor on Bloomberg Television. However, FERRIS claimed to PLAINTIFF that he knew her when "she was literally a coke whore", and "she would let her drug dealer eat her out for coke."

140. Following the rape, PLAINTIFF mustered the courage to email a BLOOMBERG Human Resources representative (HR), Anne Margaret requesting that her desk be moved away from FERRIS' desk. BLOOMBERG's HR Representative replied back asking her why and PLAINTIFF replied that FERRIS' close presence would interfere with her work. However, PLAINTIFF received no further response.

141. BLOOMBERG HR's failure to respond and/or inquire why their employee made this red flag request caused PLAINTIFF to believe that HR was not there to protect BLOOMBERG employees against sexual harassment in the workplace.

142. During the course of her employment, PLAINTIFF became aware that other female employees' complaints were either ignored by HR and/or upper management and/or were subjected to retaliation by their harassers.

The Bloomberg Drug Culture

143. During the course of PLAINTIFF's employment, FERRIS continued his efforts to control PLAINTIFF. FERRIS did to PLAINTIFF precisely what he described doing to prospective BLOOMBERG newsletter subscribers in PLAINTIFF's initial interview. At BLOOMBERG, FERRIS gave PLAINTIFF highly addictive narcotics. FERRIS did so with the intent to cause PLAINTIFF to become addicted and beholden to him.

144. In 2013, during PLAINTIFF's employment with BLOOMBERG, FERRIS messaged PLAINTIFF over IB about drugs he had hidden in various locations around the BLOOMBERG office.

145. FERRIS manipulated PLAINTIFF for his personal and professional (as well as his employer BLOOMBERG's) purposes. FERRIS expressed to PLAINTIFF that she would make more cold calls and reach sales goals if she had "the energy" from the drugs.

146. While employed at BLOOMBERG, PLAINTIFF became physically and emotionally ill because of the drugs FERRIS gave her.

147. As a result, PLAINTIFF's behavior became erratic and caused her to blurt out inappropriate remarks while talking incessantly on IB to FERRIS and her coworkers.

148. During this period in 2013, FERRIS facilitated the distribution of controlled substances in a variety of ways.

149. For example, FERRIS sent PLAINTIFF an IB telling her to go to the copy room to retrieve a letter in the mailbox marked with an "X." The envelope contained two pills. FERRIS described the pills in code - "candy" - when referring to them over IB.

150. After receiving the pills, PLAINTIFF tried to act as normally as possible under the circumstances. PLAINTIFF was sick with paranoia because she did as FERRIS directed and took the envelope from the copy room.

151. PLAINTIFF feared that if anyone found out, she would lose her job and her family as well as be blackballed by other prospective employers at only 24 years old.

152. Feeling depressed and helpless, PLAINTIFF took the pills FERRIS gave her. The medication caused her anxiety to dissipate, and she was able to perform her job.

153. During the course of her BLOOMBERG employment, FERRIS baited PLAINTIFF with drugs and/or purposefully withheld them until PLAINTIFF agreed to have lunch or meet with him.

154. Feigning friendship, FERRIS continued to invite PLAINTIFF over to his apartment to "watch a movie" and meet his dog so she could dog sit for him and N.M. when they traveled.

155. In or about March 2013, FERRIS gave PLAINTIFF pills at work and champagne once PLAINTIFF agreed to return to his apartment.

156. In or about March 2013, FERRIS violated PLAINTIFF again while she was incapacitated and under the influence of the drugs FERRIS gave her, and had non-consensual sexual intercourse with her.

157. PLAINTIFF's shame and guilt for feeling that she "allowed" FERRIS to do this to her paralyzed her to accept that she had no option but to remain silent. PLAINTIFF vowed to herself that she would never allow FERRIS to sexually assault her again.

158. Over the next year in or about 2014, FERRIS boldly continued to supply PLAINTIFF with narcotics at work and told PLAINTIFF that it was not uncommon for many BLOOMBERG employees to partake in drugs.

159. While employed by BLOOMBERG, FERRIS placed the pain pills inside BLOOMBERG books and between papers for PLAINTIFF to find and handed them to PLAINTIFF in front of other employees.

160. On one occasion in 2014, FERRIS told PLAINTIFF to look inside her drawer, where he had placed a Tic Tac box. Mixed among the candies were pain pills.

161. In an attempt to convince PLAINTIFF that FERRIS had no ill intentions, he treated the pills as surprises and gifts for her and convinced her the pills helped her cope with the stressors in her life and achieve sales goals.

162. In December 2013, FERRIS sent a Christmas package to PLAINTIFF's parents' Connecticut home. PLAINTIFF opened the package in front of her younger sister. The box contained a Christmas tree that had pills taped to it like little ornaments. One large pill placed at the top served as the star. At that time, PLAINTIFF broke down and confided in her younger sister about FERRIS' sexual assault and torment of her at work.

163. PLAINTIFF became emotionally and physically dependent on these pills to help her cope with Bloomberg's hostile working environment. At 5'8", PLAINTIFF's weight dropped from 127 lbs to 110 lbs, and she was forced to seek medical attention.

The Documentary Evidence Supporting Hostile Work Environment

164. During PLAINTIFF's employment, FERRIS regularly sent PLAINTIFF wildly offensive, misogynistic, bizarre and degrading emails from his BLOOMBERG account as well as his personal account.

165. On February 21, 2013, FERRIS sent PLAINTIFF an email with a link to an original music video that he wrote and produced on his YouTube channel³¹ entitled "Squirrel Nuts."³²

166. On March 1, 2013, FERRIS sent PLAINTIFF another email with links to three more original music videos that he wrote and produced on his YouTube channel. One video in particular, entitled "Lego Life," depicts a Lego man and Barbie doll doing drugs and engaging in sexual acts on a bed with the Lego Man standing over her. Although created by FERRIS years before, the similarities between FERRIS' fantasy video and his sexual assault upon PLAINTIFF is outrageously shocking, sinister and foreshadowing. At one point in the video, the Lego man murders the Barbie doll using a power drill to her head. The video depicts the Barbie doll lying on the ground in a pool of blood with blood spilling from her head.³³

167. FERRIS reposted the sexually disturbing video shortly after the first rape in February 2013.

³¹ <https://www.youtube.com/user/nickferris>

³² <https://www.youtube.com/watch?v=eyPsr4b9260>

³³ <https://www.youtube.com/watch?v=my6yp06U75U>

168. Following the second assault, FERRIS sent a link to a music video over the IB system. It was a song/music video entitled "Criminal" by Fiona Apple. Watching the video and listening to the lyrics cemented PLAINTIFF's feelings of shame, self-blame and fear of retaliation.

169. On or about April 6, 2013, PLAINTIFF's mother had a 50th birthday party at their home. Learning about the party from Joe Mysiak, who was also attending, FERRIS managed to secure an invitation and bring his girlfriend, N.M. During the party, FERRIS surreptitiously took pictures of PLAINTIFF's family photographs.

170. On June 8, 2013, FERRIS sent PLAINTIFF one of her family photos of her and her siblings, with a childhood photo of himself superimposed onto the photo, compounding PLAINTIFF's emotional distress of being violated.

171. On June 10, 2013, FERRIS sent PLAINTIFF a link to a Gawker news article entitled "Professor Fired Just for Asking a Female Student to Suck His Dick."³⁴

172. On June 12, 2013, FERRIS sent PLAINTIFF a link to a Gawker news article entitled, "Man Sues Doctor After Surgery Leaves Him With 8-Month Erection."³⁵

173. Continuing in June 2013, FERRIS sent PLAINTIFF photos of himself superimposed into what can only be described as creepy, sadistic scenes while FERRIS was out of work after undergoing hand surgery.

³⁴ <http://gawker.com/professor-fired-just-for-asking-a-female-student-to-suc-512274986>

³⁵ <http://gawker.com/man-sues-doctor-after-surgery-leaves-him-with-8-month-e-512772547>

174. FERRIS also vividly described his circumcision surgery to PLAINTIFF, showed her graphic photos of his partially exposed penis wrapped in bandages, and remarked how his circumcision made him extra sensitive to "good" vaginas.

175. On August 9, 2013, FERRIS sent PLAINTIFF an email to which he attached a Facebook screenshot of a photograph of PLAINTIFF posted by a realtor without her permission. The text of the email read, "Lying in bed checking FB then I see this pic of you! Love it :)". At that time, PLAINTIFF was relocating to an apartment in Manhattan. FERRIS insisted on "helping" PLAINTIFF secure the apartment by cosigning for her lease.

Quid Pro Quo Sexual Harassment

176. At or about the anniversary of PLAINTIFF's first year of employment with BLOOMBERG, FERRIS made PLAINTIFF aware that he was instrumental in securing PLAINTIFF a permanent position at BLOOMBERG.

177. In or about September 2013, FERRIS recommended PLAINTIFF for a permanent position on his team, and PLAINTIFF was afforded the position in October 2013.

178. FERRIS assisted PLAINTIFF with writing her self-evaluations that he submitted to his boss, Ted Merz to secure her permanent position with BLOOMBERG.

179. After seeking medical and therapeutic treatment in 2014, PLAINTIFF now a permanent employee, mustered up the courage to outwardly reject FERRIS' inappropriate advances.

180. During work, PLAINTIFF told FERRIS over IB that she was not interested in anything romantic. In response to PLAINTIFF's rebuffs, FERRIS became so angry, he stormed out of work. FERRIS' conduct unreasonably interfered with PLAINTIFF's ability to perform her job free from harassment.

181. On March 25, 2014, FERRIS sent PLAINTIFF an email in which he attached a doctored screenshot of an online health assessment test required for BLOOMBERG employees. Among ten captioned images displayed as stress-inducing factors, FERRIS superimposed PLAINTIFF'S IB photo on three of them, with the captions "*MARGARET*," "*MARGARET declining our meetings*," and "*MARGARET coming up with wild theories about how I love to annoy her*."

182. In 2014, FERRIS repeatedly asked PLAINTIFF to accompany him on the weekends to go to his mother's vacation home, claiming he told his mother about PLAINTIFF, and that his mother was eager to meet her.

183. On October 10, 2014, FERRIS sent PLAINTIFF an email with attached photos of a sign with her name on it so large that FERRIS claimed his mother and brother had to sit underneath the sign in the car to transport it home. FERRIS told PLAINTIFF he displayed the sign with PLAINTIFF's name on it in his kitchen.

184. During PLAINTIFF's employment, FERRIS brazenly continued his mind games designed to lure PLAINTIFF into a sexual relationship with him. FERRIS insisted PLAINTIFF and he go to lunch at Le Cirque, a top expensive New York City French Restaurant, during which he brought up "the night" at his apartment. FERRIS made it obvious he wanted to have a sexual relationship with her. PLAINTIFF finally was able to tell FERRIS she felt disrespected and violated that night.

185. As a result, FERRIS became angry and confrontational, causing PLAINTIFF to revert back to suppressing her true feelings and go along with what Ferris claimed was a true platonic friendship and that perhaps "someday they would wind up together."

186. When FERRIS and PLAINTIFF returned to BLOOMBERG after lunch at Le Cirque, FERRIS distorted his rape of PLAINTIFF: in an email to her, *"I loved the precious few times we had I'd been trying to get to a point to repeat them as I thought we hardly scratched the surface of the fun we could have – there's a second bathroom/jacuzzi... you get the idea. And I could actually enjoy/relax far more."* Manipulatively, FERRIS added, *"but that's all in the past so don't want to make you uneasy. Just know you're awesome. That's it."*

187. On October 28, 2014, FERRIS sent PLAINTIFF another offensive sexually graphic email. FERRIS wrote: "Gonna say this just once. (I wrote on my phone and will promptly delete all trace;) You have the most incredible body that you should be proud of and feel 100% comfortable within. There is nothing you should hide or be self conscious off [sic]. You are beautiful, you are stunning. You look incredible naked. And

yes you had an incredible vagina inside and out. Looks and felt best I have ever experienced. . . . I was obsessed with it for a long time and REALLY hard to get over."

Bloomberg's Grossly Ineffective Human Resources Policies, Practices and Procedures

188. Given PLAINTIFF's experience(s) with BLOOMBERG's Human Resources (HR) practices, she believed reporting FERRIS was not a viable option as it would either be ignored, trivialized and/or subject her to stigmatization and/or retaliation.

189. BLOOMBERG's HR is notorious among its employees for its indifference to assisting lower-level female employees with their internal sexual harassment complaints and lack of enforcement and/or selective enforcement of its human resources policies, retaliation and in particular, sexual harassment policies.³⁶

190. For example, PLAINTIFF was called into a meeting with FERRIS' boss, Ted Merz at the request of HR to question her regarding a male BLOOMBERG employee under investigation for sexual harassment of another BLOOMBERG female employee.

191. During the meeting, Merz asked about IB messages between PLAINTIFF and the subject male harasser of the investigation.

³⁶ On June 27, 2016, Elizabeth Lisser, a former BLOOMBERG employee filed suit in New York State Court Index No. 155354/2016 against her direct supervisor, Brian Schuler, alleging sexual harassment and wrongful termination, in which she alleges that her complaints to BLOOMBERG HR in 2013 and 2014 of her supervisor's sexual harassment went virtually ignored and that HR told her to "be more professional" and "keep her emotions in check." Her Bloomberg supervisor retaliated against her, which HR also ignored. As of July 27, 2016, the case has since been removed to U.S. District Court, Southern District of New York, Docket No. 1:16-cv-05991.

192. The male BLOOMBERG employee had also pursued PLAINTIFF for a personal relationship.

193. Despite PLAINTIFF having told this male BLOOMBERG employee she was not interested in him romantically, he continued messaging her on the Bloomberg IB system.

194. PLAINTIFF sent him a BLOOMBERG message with the subject line "DO NOT." When opened, the body of the email read "contact me over the Bloomberg system or otherwise ever again."

195. Rather than investigating the details of this male BLOOMBERG employee's offensive conduct experienced by PLAINTIFF, Merz was directed by BLOOMBERG HR to focus on asking PLAINTIFF about the meaning of certain off-color terminology used in the IBs.

196. During the meeting with FERRIS' boss, Ted Merz, he admonished PLAINTIFF for using inappropriate words and referencing "drinking during work hours" with Hillary because PLAINTIFF could get Hillary into trouble so PLAINTIFF "needs to be more careful." PLAINTIFF asked Merz if this male employee would be told which female employees lodged a complaint against him. PLAINTIFF explained that she was fearful of any retaliation against her by this male co-worker. Merz replied, "well, if you have concerns, you should go to the Police."

197. Upon information and belief, this male employee remained employed at BLOOMBERG.

198. No investigation was conducted to determine which other BLOOMBERG employees were drinking with PLAINTIFF during lunch and whether a BLOOMBERG supervisor paid the bill “on Bloomberg” despite FERRIS having submitted his lunch receipts for his expense account using names of BLOOMBERG clients for meetings that never occurred.

199. BLOOMBERG’s HR was on notice of sexual harassment complaints by its female employees in its workplace and thus, had a duty to enforce its policies through effective means.

200. BLOOMBERG had a selective practice of reviewing employee IB messages for inappropriate content and conduct that suited BLOOMBERG’s business purposes.

201. During PLAINTIFF’s employment, PLAINTIFF became aware through other employees that BLOOMBERG’s practice was to review the IBs of employees they wanted to fire and search for inappropriate communications that would otherwise be tolerated and ignored for other non-targeted employees.

202. For nearly three years, written communications between FERRIS and PLAINTIFF evidenced FERRIS’ inappropriate content and conduct at Bloomberg, as well as FERRIS’ sexual harassment of PLAINTIFF.

203. Despite notice, BLOOMBERG failed to act upon easily identifiable IBs and take appropriate action to protect PLAINTIFF's rights to be free from sexual harassment.

204. In addition to FERRIS' own IBs, which clearly put BLOOMBERG on notice of his outrageous conduct, there were numerous, often daily, IBs between PLAINTIFF and her coworker, H.C.³⁷, complaining about FERRIS' inappropriate behavior.

205. H.C. worked under FERRIS and witnessed FERRIS' abusive tactics taken against PLAINTIFF. H.C. can attest to the ongoing emotional harm PLAINTIFF suffered for years as a result and how uncomfortable and hostile work environment she experienced.

206. In one particularly telling IB exchange between PLAINTIFF and H.C. on October 17, 2014, H.C. offers PLAINTIFF advice on how to extricate herself from the hostile work environment that FERRIS created:

PLAINTIFF.: i mean he's not going to want me around when I refuse to do lunches etc.

H.C.: that is the last thing he wants.

H.C.: it doesn't matter. He is so crazy just the fact that you are sitting in that chair where he can see you every day is enough

PLAINTIFF.:that's the only reason he stays obsessed, because he wants the chance to do things like that. And especially now that he knows I won't accept work things as an excuse he's

³⁷ H.C. is identified herein by her initials to protect her identity, her right to privacy and her right to be free from retaliation.

going to just see no point in having me here

H.C.: no I really think he will flip out if you tell him you want to go somewhere else and you don't want him to do anything crazy before you get the chance to get things moving

H.C.: also if you leave he will have no reason to bother you anymore

H.C.: which is good for you

H.C.: but not for him

PLAINTIFF: yeah but I think guys like this only like their victims when they're willing to pretend everything is okay, like I was for way too long

PLAINTIFF: i mean if anything I'm just a source of embarrassment for him now

207. The hostile work conditions to which PLAINTIFF was subjected at BLOOMBERG were a constant source of severe emotional and physical distress.

208. On May 5, 2015, PLAINTIFF sought emergency hospital care for anxiety-induced nausea and vomiting due to the overwhelming stress she endured at BLOOMBERG. PLAINTIFF also suffered from ulcers because of her anxiety at BLOOMBERG.

Bloomberg's Employee Assistance Program (EAP)

209. During his employment, FERRIS attempted to engage PLAINTIFF in an unprofessional relationship by discussing his own emotional problems and plans to seek help from a mental health professional.

210. FERRIS suggested PLAINTIFF seek counseling from BLOOMBERG's Employee Assistance Program (EAP).

211. In or about May 2015, PLAINTIFF sought counseling at BLOOMBERG's EAP and told Stephen Nisbet, L.C.S.W., CASAC, about her supervisor, FERRIS' sexual harassment of her and refusal to stay within the boundaries of an appropriate employment relationship.

212. BLOOMBERG's EAP Social Worker, Mr. Nisbet recommended that PLAINTIFF be transferred away from FERRIS. However, PLAINTIFF's transfer and/or ability to work at BLOOMBERG free from sexual harassment were never afforded to her.

213. BLOOMBERG's EAP failed to provide counseling to PLAINTIFF to formally demand that FERRIS' behavior be investigated by BLOOMBERG upper management, BLOOMBERG HR and/or law enforcement.

214. Despite the fact that PLAINTIFF never reported having an eating disorder, EAP recommended and offered to assist PLAINTIFF in filing for disability/medical leave for admission to an in-patient care facility specializing in eating disorders – specifically, The Renfew Center of Philadelphia.

215. PLAINTIFF refused NISBET's offer because she was under a doctor's care for her anxiety induced by BLOOMBERG's hostile work conditions she was forced to endure.

216. BLOOMBERG's hostile work environment and FERRIS' sexual harassment stripped PLAINTIFF of her dignity, her ability to properly care for herself and her ability to act in her own best interest.

217. Based on the documentary evidence, similar prior complaints against FERRIS and the sex-related hostile work environment, BLOOMBERG knew and/or should have known about FERRIS' behavior and/or breached its duty to investigate FERRIS' behavior and/or put an end to PLAINTIFF's torment at BLOOMBERG.

218. Given the nature of FERRIS' actions and PLAINTIFF's need for mental health treatment, BLOOMBERG's EAP failed to fulfill their legal duty to report FERRIS' actions and/or counsel PLAINTIFF to report him to BLOOMBERG and/or the authorities, or at a minimum, arrange for PLAINTIFF's transfer away from FERRIS' control at BLOOMBERG and/or assure PLAINTIFF that she would not be retaliated against.

219. In October 2015, FERRIS took over responsibility for drafting PLAINTIFF's annual performance evaluation and insisted on a one-on-one in person evaluation between himself and PLAINTIFF despite her resistance to have such a meeting.

220. At this point, PLAINTIFF dreaded being alone with FERRIS in this one-on-one setting and could no longer tolerate FERRIS' control over her performance and future at BLOOMBERG.

221. In October 2015, PLAINTIFF's mental and physical health deteriorated so much that she required medical leave.

222. In October 2015, PLAINTIFF's medical leave was approved based upon her doctor's mental health assessment that PLAINTIFF suffered from Major Depressive Disorder and Anxiety Disorder.

223. In or about December 2015, BLOOMBERG terminated FERRIS' employment.

224. BLOOMBERG's termination of FERRIS occurred after his open and obvious torment of PLAINTIFF over a prolonged period of time.

225. Defendants' prolonged, intentional, willful, reckless, and/or indifferent disregard of the violation of PLAINTIFF's protected civil rights, entitles PLAINTIFF to compensatory and punitive damages.

FIRST CAUSE OF ACTION
Sex Discrimination - Disparate Treatment

226. PLAINTIFF incorporates below all facts alleged in paragraphs 1 to 225.

227. By the aforementioned acts and as alleged further herein, Defendants were on notice of their practices and procedures that caused and/or permitted discriminatory treatment of PLAINTIFF with respect to her terms and conditions of employment at BLOOMBERG.

228. At all relevant times, Defendants maintained a pattern and practice of unlawful discrimination on the basis of sex.

229. As a result of Defendants' aforesaid acts, Defendants discriminated against PLAINTIFF on account of her sex in violation of the New York State Executive Law § 296 and/or New York City Administrative Code § 8-107 during the course of Defendants' employment of PLAINTIFF.

230. As a result of Defendants' discriminatory and adverse acts, PLAINTIFF suffered damages, including without limitation, deprivation of income and benefits, loss of employment opportunities, severe emotional distress, personal injuries, pain, suffering, mental anguish, humiliation, loss of enjoyment of life, damage to reputation and her career and permanent disabilities.

SECOND CAUSE OF ACTION
Sex Discrimination – Disparate Impact

231. PLAINTIFF incorporates below all facts alleged in paragraphs 1 to 230.

232. By reason of Defendants' aforementioned acts, Defendants discriminated against PLAINTIFF and/or other female employees on account of their sex on a regular and systematic basis during their employment with BLOOMBERG.

233. Defendants discriminated against PLAINTIFF and/or other female employees on account of their sex in their hiring, promotion, training, treatment and termination during their employment with BLOOMBERG and thus caused a disparate discriminatory impact upon female employees in violation of the New York City Administrative Code § 8-107 and the NYS Executive Law § 296.

234. As a result of Defendants' discriminatory and adverse acts, PLAINTIFF and other female employees have suffered damages including, without limitation, deprivation of income and benefits, loss of opportunity for advancement and promotion, severe emotional distress, pain, suffering, inconvenience, mental anguish, humiliation and damage to reputation and career and permanent disability.

THIRD CAUSE OF ACTION
Hostile Work Environment Based On Sex

235. PLAINTIFF incorporates below all facts alleged in paragraphs 1 to 234.

236. Defendants' persistent, frequent and pervasive conduct created an atmosphere at BLOOMBERG that was hostile, abusive, humiliating and degrading to their female employees and in particular, PLAINTIFF.

237. Defendants subjected PLAINTIFF to a hostile work environment permeated with harassment based on sex sufficiently severe and pervasive to alter the conditions of PLAINTIFF's employment, in violation of the New York State Executive Law § 296 and the New York City Administrative Code § 8-101, *et seq.*

238. As a result of Defendants' creation of a hostile work environment, PLAINTIFF has suffered damages including, without limitation, deprivation of income and benefits, termination of employment, loss of opportunity for advancement and promotion, severe emotional distress, personal injuries, pain, suffering, inconvenience, mental anguish, humiliation and damage to reputation and career and permanent disability.

FOURTH CAUSE OF ACTION
Quid Pro Quo Sexual Harassment

239. PLAINTIFF incorporates below all facts alleged in paragraphs 1 to 238.

240. By reason of the Defendant FERRIS' *quid pro quo* harassment, PLAINTIFF suffered damages including, without limitation, deprivation of income and benefits, loss of opportunity for advancement and promotion, severe emotional distress, personal injuries, pain, suffering, mental anguish, humiliation and damage to reputation and career.

FIFTH CAUSE OF ACTION
Against Individual Defendants

241. PLAINTIFF incorporates below all facts alleged in paragraphs 1 to 240.

242. As a result of the foregoing, the individual Defendants aided, abetted, incited, compelled and coerced acts forbidden under the NYC Administrative Code, § 8- 101 *et seq.*, in violation of the NYC Administrative Code § 8-107(6).

243. As a result of Defendants' illegal conduct against her, PLAINTIFF has suffered damages, including, without limitation, deprivation of income and benefits, loss of opportunity for advancement and promotion, severe emotional distress, personal injuries, pain, suffering, mental anguish, humiliation and damage to reputation and career.

SIXTH CAUSE OF ACTION
Negligence in Hiring, Training and Retention of Employees

244. PLAINTIFF incorporates below the facts alleged in paragraphs 1 to 243.

245. BLOOMBERG employed NICK FERRIS.

246. BLOOMBERG knew of FERRIS' propensity towards negligent, careless, and/or reckless conduct, or should have known had BLOOMBERG conducted an adequate hiring procedure and/or maintained adequate hiring, retention and/or discipline policies.

247. BLOOMBERG negligently trained and/or supervised FERRIS in his management position.

248. BLOOMBERG breached its duty to provide effective sexual harassment and anti-retaliation policies and procedures.

249. At the time of the illegal conduct that caused PLAINTIFF to suffer permanent injuries, FERRIS was acting in the course of his business and/or job duties for BLOOMBERG.

250. The foregoing was caused without any negligence on the part of the PLAINTIFF contributing thereto.

251. This action falls within one or more of the exceptions of Article 16, Sections 1600 through 1603 of the New York Civil Practice Law Rules.

252. By reason of all the foregoing, PLAINTIFF has suffered damages, including, without limitation, deprivation of income and benefits, loss of opportunity for advancement and promotion, severe emotional distress, personal injuries, pain, suffering, mental anguish, humiliation and damage to reputation and career and permanent disability.

SEVENTH CAUSE OF ACTION
Negligent Infliction Of Emotional Distress

253. PLAINTIFF incorporates below all facts alleged in paragraphs 1 to 252.

254. As a result of Defendants' negligent acts and outrageous conduct described above, Defendants have acted with reckless disregard for the probability of causing PLAINTIFF to suffer severe emotional distress.

255. As a result of Defendants' negligent infliction of emotional distress, PLAINTIFF has been caused to suffer actual damages, consequential damages, costs and attorneys' fees.

WHEREFORE, PLAINTIFF respectfully requests that this Court grant judgment for her and that it order and award her the following relief against the Defendants:

(1) Grant PLAINTIFF declaratory judgment that the acts, policies, practices, and procedures complained of herein violated PLAINTIFF's rights as secured by the New York City Administrative Code, § 8-101, and the New York State Executive Law § 296 and such other statutes that provide protection against discrimination;

(2) Grant PLAINTIFF preliminary and permanent injunctions, prohibiting the Defendants, their agents, successors, employees, and those acting in concert with them and at their direction from engaging in any of the practices set forth above and any other practice shown to be unlawful or retaliatory or discriminatory on the basis of sex or gender with respect to compensation, terms, conditions and privileges of employment or from continuing or maintaining a policy, practice, custom or usage of

denying, abridging, withholding, conditioning, limiting or otherwise interfering with the rights of PLAINTIFF to enjoy equal employment opportunities secured by law;

(3) Establish an imposed oversight and monitoring of the activities of DEFENDANTS to prevent future acts of retaliation;

(4) Establish a mechanism for the enforcement of the injunctions by requiring the Defendants to present to the Court within 30 days of the issuance of the injunction, (a) a plan showing precisely and in detail how they will comply with the Court's order and that they cease and desist from policies, practices, customs and usages of discrimination against PLAINTIFF and other persons similarly situated and (b) reimbursement for lost bonuses, health benefits, 401K contributions, social security, experience, training opportunities, and other benefits; in an amount to be proved at trial;

(5) Compensatory damages for emotional pain and suffering, mental anguish, humiliation, loss of reputation and opportunity and permanent disability in an amount to be proved at trial, but believed to exceed \$20,000,000;

(6) Liquidated damages in an amount to be awarded at trial;

(7) Punitive damages in an amount to be awarded at trial;

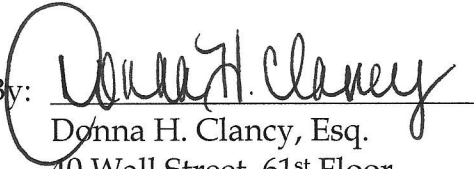
(8) Attorneys' fees, costs and disbursements;

(9) Interest; and

(10) Such additional relief to plaintiff as the Court deems just and proper.

Dated: New York, New York
December 7, 2016

THE CLANCY LAW FIRM, P.C.
Attorneys for Plaintiff

By: 
Donna H. Clancy, Esq.
40 Wall Street, 61st Floor
New York, New York 10005
(212) 747-1744

VERIFICATION

STATE OF NEW YORK)
 ss.:
COUNTY OF NEW YORK)

Donna H. Clancy, an attorney at law, duly admitted to practice in the Court of the State of New York, affirms under the penalties of perjury, that:

I am the founding attorney of The Clancy Law Firm, P.C., attorneys of record for Plaintiff MARGARET DOE.

I have read the foregoing VERIFIED COMPLAINT and know the contents thereof, and upon information and belief, I believe the matters alleged therein to be true.

The reason this verification is made by deponent and not by the Plaintiff is that the Plaintiff resides in a County other than the one in which the Plaintiff's attorneys maintain their office.

The source of deponent's information and the grounds for belief here are communications, papers, reports and investigations contained in the file.

Dated: New York, New York
December 7, 2016

THE CLANCY LAW FIRM, P.C.
Attorneys for Plaintiff
By: 
Donna H. Clancy, Esq.
40 Wall Street, 61st Floor
New York, New York 10005
(212) 747-1744

SUPREME COURT OF THE STATE OF NEW YORK,
COUNTY OF BRONX

Index No.:

MARGARET DOE,

Plaintiff,

-against-

BLOOMBERG L.P., MICHAEL BLOOMBERG, and
NICHOLAS FERRIS,

Defendants.

SUMMONS and VERIFIED COMPLAINT

THE CLANCY LAW FIRM, P.C.

Attorneys for Plaintiff

40 Wall Street - 61st Floor

New York, New York 10005

(212) 747-1744

To Service of a copy of the within is hereby admitted.

Dated: -----20-----

Attorneys for

PLEASE TAKE NOTICE:

NOTICE OF ENTRY

that

the within is a (certified) true copy of an Order duly entered
in the office of the clerk of the within named court

NOTICE OF SETTLEMENT

that

and order of which the within is a true copy will be presented for settlement to the HON. one of the
judges of the

within named Court, at

On

20 at

M.

Dated,

Yours, etc.